

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS JACKSON and CAROL JACKSON,)
)
 Plaintiffs,)
)
 vs.)
)
 UNITED ARTISTS THEATRE CIRCUIT, INC.,)
 d/b/a UA RAINBOW PROMENADE, *et al.*,)
)
 Defendants.)

Case No. 2:10-cv-00050-LDG-GWF

ORDER

On January 31, 2011, the Court extended the discovery deadline until March 14, 2011 so that Plaintiffs could depose the person most knowledgeable (“PMK”) of Master Janitorial. (#33). Plaintiffs filed an emergency motion to extend discovery on March 14, 2011 because they had not yet had an opportunity to depose Master Janitorial. (#48). The Court granted the emergency motion and further extended the discovery deadline to March 30, 2011 to allow Plaintiffs to depose Master Janitorial. (#50).

On March 25, 2011, Plaintiffs served the subpoenas on Master Janitorial, noticing the depositions of the PMK and the Custodian of Records (“COR”). (#51 at 2-3). The subpoenas noticed depositions to take place three days later on March 28, 2011. (*Id.* at 2). On the day the deposition was scheduled, a person identifying himself as the son of the PMK for Master Janitorial telephoned Plaintiffs’ counsel and informed him that the PMK was out of town and would not appear at the noticed depositions. (*Id.*) In addition, the caller indicated to Plaintiffs’ counsel that the company would be consulting an attorney before any individuals from Master Janitorial agreed to respond to the subpoena. (*Id.*) The next day, March 29, Plaintiffs filed an emergency motion to extend time, motion to compel and motion for sanctions. (#51). The Court denied Plaintiffs’ request for an extension, but withheld ruling on the motion to compel and motion for sanctions

1 until fourteen (14) days after service upon Master Janitorial in order to allow Master Janitorial an
2 opportunity to respond. (#54).

3 Plaintiffs filed a certificate of service on April 11, 2011. (#56). It states that Plaintiffs'
4 counsel was informed that Master Janitorial is represented by the law firm of Hampton &
5 Hampton. According to the certificate of service, the motions and the Court's April 5, 2011 order
6 were served on a representative of the law firm on April 11, 2011. (*Id.*) To date, Master Janitorial
7 has not filed a response to the motion to compel or motion for sanctions (#51). Accordingly,

8 **IT IS HEREBY ORDERED** that counsel for Master Janitorial and the parties to this
9 action shall appear for a hearing on Plaintiffs' Motion for Sanctions and Motion to Compel
10 Attendance (#51) on **Thursday, May 12, 2011 at 11:00 a.m.** in Las Vegas Courtroom 3A before
11 Magistrate Judge George Foley Jr.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this order to
13 counsel for Master Janitorial at the following address:

14 **Hampton & Hampton**
15 **8965 S. Pecos Rd. #9A**
16 **Henderson, Nevada 89074**

17 DATED this 3rd day of May, 2011.

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20 GEORGE FOLEY, JR.
21 United States Magistrate Judge
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